

***City of York Board of Zoning Appeals  
Minutes  
May 9, 2022***

**Members Present:**

Chairperson James Ramere  
Becca Caldwell  
Rodney Blair  
Jill Neff  
Myra Sinz  
Strauss Shiple  
Bryant Brown

**Members absent:**

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

**The first item of business** was approval of the draft Minutes from the March 14, 2022 meeting. Upon a Motion by Jill Neff, seconded by Bryant Brown, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

**The second item of business** was a special exception application request for entryway signage for Abrial Ridge Subdivision located off of Lincoln Rd near York Comprehensive High School.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a special exception application for entryway signage for Abrial Ridge Subdivision located off of Lincoln Rd near York Comprehensive High School.
2. The applicant was Icon Custom Masonry Inc. and the property is referenced by York County Tax Map Id #'s 0701801103, 0701801187, 0701801188 & 0701801189.
3. The property is currently zoned R5- Multifamily Residential.
4. Table 12.2 Freestanding Sign Regulations of the Zoning Ordinance specifies that such proposed signage in a R5 district must be reviewed through the special exception process via the Board of Zoning Appeals.
5. The applicant has requested approval of the special exception application and supporting information provided in the meeting packet.

6. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a special exception can be issued. **The following criteria should be included and addressed in a BZA Motion.**
  - a. The proposed design and location of the particular development.
  - b. The possible traffic-generating characteristics of the proposed development.
  - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - d. The availability of public utilities, facilities and services.
7. Please be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing and discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA approved the special exception application as submitted noting compliance with each of the previously-noted special exception requirements especially based on the location and appearance of the signage.

**The third item of business** was a special exception application request for entryway signage for the 40-unit townhome project to be located on McFarland Rd near the intersection of East Liberty Street.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the third item of business was a special exception application for entryway signage for the 40-unit townhome project to be located on McFarland Rd near the intersection of East Liberty Street.
2. The applicant was Coulston Enterprises Inc. and the property is referenced by York County Tax Map Id #'s 0701501011 & 0701501013.
3. The property is currently zoned R5- Multifamily Residential.
4. Table 12.2 Freestanding Sign Regulations of the Zoning Ordinance specifies that such proposed signage in a R5 district must be reviewed through the special exception process via the Board of Zoning Appeals.
5. The applicant has requested approval of the special exception application and supporting information provided in the meeting packet.

6. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a special exception can be issued. **The following criteria should be included and addressed in a BZA Motion.**
  - a. The proposed design and location of the particular development.
  - b. The possible traffic-generating characteristics of the proposed development.
  - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - d. The availability of public utilities, facilities and services.
7. Please be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing and upon a Motion by Becca Caldwell, seconded by Rodney Blair, the BZA deferred action on the special exception application until a future meeting when the applicant could be present to discuss needed issues. In particular, the minimum setback requirements must be verified.

**The fourth item of business** was a special exception application and conceptual site plan for Brighton Springs Subdivision (pending resolution of rezoning and annexation applications).

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fourth item of business was a special exception application for entryway signage for the proposed Brighton Springs Subdivision on Highway 5 near the intersection of Park Place Road. Rezoning and annexation applications are being processed for this project as well.
2. The applicant was Meritage Homes c/o ESP Associates and the property is referenced by York County Tax Map Id #'s 3960000002 & 3960000027.
3. The property is currently zoned RUD by York County.
4. The applicant proposed to annex and rezone the property to R5- Multifamily Residential.
5. The applicant has requested that the property be annexed and rezoned to R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. At a recent meeting, the PC recommended that York City Council approve the rezoning request. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.

6. At its May 2<sup>nd</sup> meeting, York City Council gave first reading approval to the annexation and rezoning ordinance for the properties. City Council is scheduled to conduct a public hearing and 2<sup>nd</sup> reading regarding this matter on June 7<sup>th</sup>.
7. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
8. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
9. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed.
10. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information. The applicant has provided information to address PC concerns. Such information was provided in your meeting packet.
11. Please be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
12. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
13. Please be reminded that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the annexation and the requested R5 – Multifamily Residential zoning designation for the properties.
14. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
15. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After receiving input from the public and a presentation from the applicant, Chairperson Ramere closed the public hearing. Following discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Myra Sinz, the BZA deferred action to a future meeting.

**The fifth item of business** was a special exception application and conceptual site plan for Cannon Village Subdivision (pending resolution of rezoning application).

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fifth item of business was a special exception application for the proposed Cannon Village Subdivision on Fourth Street across from York Recreation Complex. Rezoning and annexation applications are being processed for this project as well.
2. The applicant was South Fork Ventures, LLC and the property is referenced by York County Tax Map Id #'s 0701601092 and 0701601002.
3. The applicant proposes to rezone the property from R12- Residential to R5- Multifamily Residential.
4. The applicant has requested that the property be rezoned to R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council.
5. At a recent meeting, the PC recommended that York City Council approve the rezoning request. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.
6. At its May 2<sup>nd</sup> meeting, York City Council gave first reading approval to the rezoning ordinance for the properties. City Council is scheduled to conduct a public hearing and 2<sup>nd</sup> reading regarding this matter on June 7<sup>th</sup>.
7. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
8. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
9. At a recent meeting, the PC recommended that the BZA approve the special exception application and conceptual site plan as submitted. Recently, the applicant agreed to provide sidewalk along one side of Fifth Street.
10. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information with the inclusion of sidewalk along one side of Fifth Street.
11. Please be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
12. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
13. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.
14. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
15. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

Chairperson Ramere closed the public hearing and the BZA discussed the matter; thereafter, upon a Motion by Becca Caldwell to defer action to a future meeting, seconded by Myra Sinz, the Motion failed on a 3:4 vote with Bryant Brown, Rodney Blair, James Ramere, and Strauss Shiple opposing the Motion.

Upon a Motion by Bryant Brown, seconded by Rodney Blair, the BZA approved the special exception application as submitted. Becca Caldwell and Myra Sinz voted in opposition to the Motion.

There being no further business, the meeting was adjourned at 7:16 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

Amanda C. Blackston,  
Zoning Administrator

cc: City Manager Seth Duncan  
File- Board of Zoning Appeals 5/9/2022